

1 Rule 7. Pleadings allowed; motions, memoranda, hearings, orders, objection to  
2 commissioner's order.

3 (a) Pleadings. There shall be a complaint and an answer; a reply to a counterclaim;  
4 an answer to a cross claim, if the answer contains a cross claim; a third party complaint,  
5 if a person who was not an original party is summoned under the provisions of Rule 14;  
6 and a third party answer, if a third party complaint is served. No other pleading shall be  
7 allowed, except that the court may order a reply to an answer or a third party answer.

8 (b)(1) Motions. An application to the court for an order shall be by motion which,  
9 unless made during a hearing or trial or in proceedings before a court commissioner,  
10 shall be made in accordance with this rule. A motion shall be in writing and state  
11 succinctly and with particularity the relief sought and the grounds for the relief sought.

12 (b)(2) Limit on order to show cause. An application to the court for an order to show  
13 cause shall be made only for enforcement of an existing order or for sanctions for  
14 violating an existing order. An application for an order to show cause must be supported  
15 by an affidavit sufficient to show cause to believe a party has violated a court order.

16 (c) Memoranda.

17 (c)(1) Memoranda required, exceptions, filing times. All motions, except uncontested  
18 or ex parte motions, shall be accompanied by a supporting memorandum. Within ten  
19 days after service of the motion and supporting memorandum, a party opposing the  
20 motion shall file a memorandum in opposition. Within five days after service of the  
21 memorandum in opposition, the moving party may file a reply memorandum, which shall  
22 be limited to rebuttal of matters raised in the memorandum in opposition. No other  
23 memoranda will be considered without leave of court. A party may attach a proposed  
24 order to its initial memorandum.

25 (c)(2) Length. Initial memoranda shall not exceed 10 pages of argument without  
26 leave of the court. Reply memoranda shall not exceed 5 pages of argument without  
27 leave of the court. The court may permit a party to file an over-length memorandum  
28 upon ex parte application and a showing of good cause.

29 (c)(3) Content.

30 (c)(3)(A) A memorandum supporting a motion for summary judgment shall contain a  
31 statement of material facts as to which the moving party contends no genuine issue

exists. Each fact shall be separately stated and numbered and supported by citation to relevant materials, such as affidavits or discovery materials. Each fact set forth in the moving party's memorandum is deemed admitted for the purpose of summary judgment unless controverted by the responding party.

(c)(3)(B) A memorandum opposing a motion for summary judgment shall contain a verbatim restatement of each of the moving party's facts that is controverted, and may contain a separate statement of additional facts in dispute. For each of the moving party's facts that is controverted, the opposing party shall provide an explanation of the grounds for any dispute, supported by citation to relevant materials, such as affidavits or discovery materials. For any additional facts set forth in the opposing memorandum, each fact shall be separately stated and numbered and supported by citation to supporting materials, such as affidavits or discovery materials.

(c)(3)(C) A memorandum with more than 10 pages of argument shall contain a table of contents and a table of authorities with page references.

(c)(3)(D) A party may attach as exhibits to a memorandum relevant portions of documents cited in the memorandum, such as affidavits or discovery materials.

(d) Request to submit for decision. When briefing is complete, either party may file a "Request to Submit for Decision." The request to submit for decision shall state the date on which the motion was served, the date the opposing memorandum, if any, was served, the date the reply memorandum, if any, was served, and whether a hearing has been requested. If no party files a request, the motion will not be submitted for decision.

(e) Hearings. The court may hold a hearing on any motion. A party may request a hearing in the motion, in a memorandum or in the request to submit for decision. A request for hearing shall be separately identified in the caption of the document containing the request. The court shall grant a request for a hearing on a motion under Rule 56 or a motion that would dispose of the action or any claim or defense in the action unless the court finds that the motion or opposition to the motion is frivolous or the issue has been authoritatively decided.

(f) Orders.

(f)(1) An order includes every direction of the court, including a minute order entered in writing, not included in a judgment. An order for the payment of money may be

63 enforced in the same manner as if it were a judgment. Except as otherwise provided by  
64 these rules, any order made without notice to the adverse party may be vacated or  
65 modified by the judge who made it with or without notice. Orders shall state whether  
66 they are entered upon trial, stipulation, motion or the court's initiative.

67 (f)(2) Unless the court approves the proposed order submitted with an initial  
68 memorandum, or unless otherwise directed by the court, the prevailing party shall,  
69 within fifteen days after the court's decision, serve upon the other parties a proposed  
70 order in conformity with the court's decision. Objections to the proposed order shall be  
71 filed within five days after service. The party preparing the order shall file the proposed  
72 order upon being served with an objection or upon expiration of the time to object.

73 (f)(3) Unless otherwise directed by the court, all orders shall be prepared as  
74 separate documents and shall not incorporate any matter by reference.

75 (g) Objection to court commissioner's recommendation. A recommendation of a  
76 court commissioner is the order of the court until modified by the court. A party may  
77 object to the recommendation by filing an objection in the same manner as filing a  
78 motion within ten days after the recommendation is made in open court or, if the court  
79 commissioner takes the matter under advisement, ten days after the minute entry of the  
80 recommendation is served. A party may respond to the objection in the same manner  
81 as responding to a motion.

82